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* Admitted in NY only
** Passed the Patent Bar Examination
*** Admitted in TX only

October 29, 2001

Commissioner for Patents
Washington, D.C. 20231

Re: U.S. Patent Application Serial No. 09/624,885
MUSCLE CELLS AND THEIR USE IN CARDIAC REPAIR
Applicant(s): Albert Edge
Filed: July 24, 2000
Our Reference: DNI-029

RECEIVED
JAN 09 2002
TECH CENTER 1600/2900

Dear Sir:

I enclose herewith for filing in the above-identified application the following:


1. Response to Restriction Requirement (3 pgs.); and
2. Return receipt postcard.

Please charge any necessary fees to our Deposit Account No. 12-0080. The undersigned requests any extensions of time necessary to respond. A duplicate of this sheet is enclosed.

I hereby certify that this correspondence is deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on:

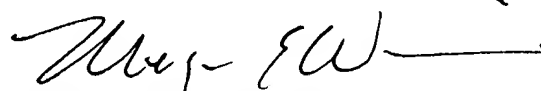
October 29, 2001

Date

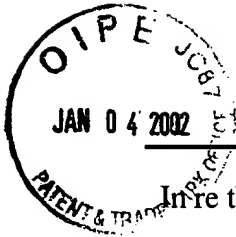

Megan E. Williams, Esq., Reg. No. 43,270

Respectfully submitted,

LAHIVE & COCKFIELD, LLP


Megan E. Williams, Esq.
Reg. No. 43,270

MCL/HPR/tjs
Enclosures



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#7
Harry
Jan 12, 02

In re the application of: Albert Edge

Group Art Unit: 1644

Serial No.: 09/624,885

Examiner: DeCloux, A.

Filed: July 24, 2000

For: *MUSCLE CELLS AND THEIR USE IN
CARDIAC REPAIR*

Attorney Docket No.: DNI-029

Commissioner for Patents
Washington, D.C. 20231

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October 29, 2001

Date of Signature and of Mail Deposit

By:

Megan E. Williams

Reg. No. 43,270

Attorney for Applicant

RESPONSE TO RESTRICTION REQUIREMENT

Dear Sir:

This is in response to the restriction requirement set forth in the Office Action dated September 27, 2001 (Paper No. 6).

The Examiner has required restriction to one of the following inventions under 35 U.S.C. § 121:

- I. Claims 1-19, drawn to a transplantable composition comprising isolated skeletal myoblast cells and isolated fibroblast cells, classified in Class 424, subclass 93.1;

- II. Claims 1 and 20-27, drawn to a transplantable composition comprising isolated skeletal myoblast cells and isolated fibroblast cells, wherein an antigen on the surface of a cell is modified, masked or eliminated, classified in Class 242, subclass 93.21;
- III. Claims 28-30, drawn to a method for preparing a transplantable composition comprising skeletal myoblast cells and isolated fibroblast cells, classified in Class 242, subclass 325;
- IV. Claims 31-38, and 42 drawn to a method for treating a condition in a subject characterized by damage to cardiac tissue comprising administration of a transplantable composition comprising isolated skeletal myoblast cells and isolated fibroblast cells, classified in Class 424, subclass 93.7;
- V. Claims 39-41, drawn to a method for promoting a cardiac cell phenotype in a skeletal myoblast comprising recombinantly expressing a cardiac cell gene product in the myoblast so that the cardiac cell phenotype is promoted, classified in Class 424, subclass 69.1.

Applicant hereby elects **the Group I invention** (claims 1-19) for prosecution in this application without traverse.

Applicant reserves the right to traverse the restriction between the non-elected groups in this or a separate application.

SUMMARY

If a telephone conversation with Applicant's Attorney would expedite the prosecution of the above-identified application, the Examiner is urged to call Applicant's Attorney at (617) 227-7400.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'Meg - GW', followed by a horizontal line.

Megan E. Williams
Attorney for Applicant
Reg. No.: 43,270

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Dated: October 29, 2001